



January 26, 2016

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## HOUSE BILL No. 1394

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DIGEST OF HB 1394 (Updated January 25, 2016 12:59 pm - DI 116)

**Citations Affected:** IC 20-25.7; IC 20-28.

**Synopsis:** Various education matters. Provides that when a school is reconstituted as an innovation network charter school, the innovation network charter school shall give preferential enrollment to students who live in the attendance area. Authorizes a governing body to enter into an agreement with a charter school to reconstitute a traditional school as an innovation network charter school. Provides that an innovation network school may use student growth to determine its category or designation of school improvement for a period of three years. Provides that, if a teacher's contract is canceled, the teacher may request a conference with the superintendent or the assistant superintendent. (Current law provides that the teacher may request a conference with the superintendent.) Provides that a teacher who takes a job with another school corporation after the school year has started is required to give 30 days notice.

**Effective:** Upon passage; July 1, 2016.

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January 13, 2016, read first time and referred to Committee on Education.  
January 25, 2016, amended, reported — Do Pass.

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HB 1394—LS 7073/DI 116





January 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1394

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-25.7-4-5, AS ADDED BY P.L.214-2015,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 5. (a) The board shall enter into an agreement  
4 with an innovation network team to establish an innovation network  
5 school or to reconstitute an eligible school as an innovation network  
6 school under section 3 or 4 of this chapter. An innovation network team  
7 may consist of or include teachers, a principal, a superintendent, or any  
8 combination of these individuals who were employed at the eligible  
9 school before the agreement is entered.  
10 (b) The terms of the agreement must specify the following:  
11 (1) A statement that the innovation network school is considered  
12 to be part of the school corporation and not considered a separate  
13 local educational agency.  
14 (2) A statement that the innovation network team authorizes the  
15 department to include the innovation network school's  
16 performance assessment results under IC 20-31-8 when  
17 calculating the school corporation's performance assessment

HB 1394—LS 7073/DI 116



under rules adopted by the state board.

(3) The amount of state and federal funding, including tuition support, and money levied as property taxes that will be distributed by the school corporation to the innovation network school.

(4) The performance goals and accountability metrics agreed upon for the innovation network school.

(5) Grounds for termination of the agreement, including the right of termination if the innovation network team fails to:

(A) comply with the conditions or procedures established in the agreement;

(B) meet generally accepted fiscal management and government accounting principles;

(C) comply with applicable laws; or

(D) meet the educational goals set forth in the agreement between the board and the innovation network team.

(c) If an agreement is entered into under subsection (a), the board shall notify the department that an agreement has been entered into under this section within thirty (30) days after the agreement is entered into.

(d) Upon receipt of the notification under subsection (c), the department shall, for school years starting after the date of the agreement:

(1) include the innovation network school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under rules adopted by the state board; ~~and~~

(2) treat the innovation network school in the same manner as a school operated by the school corporation when calculating the total amount of state and federal funding to be distributed to the school corporation; ~~and~~

**(3) if requested by an innovation network school established under IC 20-25.5-4-2(a)(2) (before its repeal) or IC 20-25.7-4-4(a)(2):**

**(A) assign a new school identification number; and**

**(B) may use student growth as its exclusive means to determine its category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years.**

A school corporation and an innovation network school are not entitled to any state funding in addition to the amount the school corporation and school would otherwise be eligible to receive if the innovation



1 network school were a public school maintained by the school  
2 corporation.

3 SECTION 2. IC 20-25.7-5-2, AS ADDED BY P.L.214-2015,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 2. (a) Notwithstanding IC 20-26-7-1, the  
6 board may enter into an agreement with an organizer **to reconstitute**  
7 **an eligible school as a participating innovation network charter**  
8 **school or** to establish a participating innovation network charter school  
9 within a vacant, underutilized, or underenrolled school building, as  
10 determined by the board.

11 (b) The terms of the agreement entered into between the board and  
12 an organizer must specify the following:

13 (1) A statement that the organizer authorizes the department to  
14 include the charter school's performance assessment results under  
15 IC 20-31-8 when calculating the school corporation's performance  
16 assessment under rules adopted by the state board.

17 (2) The amount of state funding, including tuition support, and  
18 money levied as property taxes that will be distributed by the  
19 school corporation to the organizer.

20 (3) The performance goals and accountability metrics agreed  
21 upon for the charter school in the charter agreement between the  
22 organizer and the authorizer.

23 (c) If an organizer and the board enter into an agreement under  
24 subsection (a), the organizer and the board shall notify the department  
25 that the agreement has been made under this section within thirty (30)  
26 days after the agreement is entered into.

27 (d) Upon receipt of the notification under subsection (c), the  
28 department shall, for school years starting after the date of the  
29 agreement:

30 (1) include the participating innovation network charter school's  
31 performance assessment results under IC 20-31-8 when  
32 calculating the school corporation's performance assessment  
33 under rules adopted by the state board; ~~and~~

34 (2) treat the participating innovation network charter school in the  
35 same manner as a school operated by the school corporation when  
36 calculating the total amount of state funding to be distributed to  
37 the school corporation; **and**

38 **(3) if requested by a participating innovation network school**  
39 **that reconstitutes an eligible school:**

40 **(A) assign a new school identification number; and**

41 **(B) may use student growth as its exclusive means to**  
42 **determine its category or designation of school**



1 improvement under 511 IAC 6.2-10-10 for a period of  
2 three (3) years.

3 SECTION 3. IC 20-25.7-5-5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 5. (a) IC 20-24-5-5 does not apply to a  
6 participating innovation network charter school that enters into an  
7 agreement with the board to reconstitute an eligible school with a  
8 defined attendance area.

9 (b) A participating innovation network charter school that  
10 reconstitutes an eligible school with a defined attendance area may  
11 limit new admissions to the participating innovation network  
12 charter school to:

- 13 (1) ensure that any student with legal settlement in the  
14 attendance area may attend the charter school;
- 15 (2) ensure that a student who attends the participating  
16 innovation network charter school during a school year may  
17 continue to attend the charter school in subsequent years; and
- 18 (3) allow the siblings of a student who attends the  
19 participating innovation network charter school to attend the  
20 charter school.

21 (c) This subsection applies if the number of applications for a  
22 program, class, grade level, or building exceeds the capacity of the  
23 program, class, grade level, or building. If a participating  
24 innovation network charter school receives a greater number of  
25 applications than there are spaces for students, each timely  
26 applicant must be given an equal chance of admission.

27 SECTION 4. IC 20-28-7.5-2, AS AMENDED BY P.L.233-2015,  
28 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Before a teacher's contract is  
30 canceled, the teacher has the following rights:

- 31 (1) The principal shall notify the teacher of the principal's  
32 preliminary decision. The notification must be:  
33 (A) in writing; and  
34 (B) delivered in person or mailed by registered or certified  
35 mail to the teacher at the teacher's last known address.
- 36 (2) The notice in subdivision (1) must include a written statement,  
37 subject to IC 5-14-3-4, giving the reasons for the preliminary  
38 decision.
- 39 (3) Notification due to a reduction in force must be delivered  
40 between May 1 and July 1.

41 (b) For a cancellation of a teacher's contract for a reason other than  
42 a reduction in force, the notice required under subsection (a)(1) must



1 inform the teacher that, not later than five (5) days after the teacher's  
 2 receipt of the notice, the teacher may request a private conference with  
 3 the superintendent **or the assistant superintendent**. The  
 4 superintendent **or the assistant superintendent, as applicable**, must  
 5 set the requested meeting not later than ten (10) days after the request.

6 (c) At the conference between the superintendent **or the assistant**  
 7 **superintendent, as applicable**, and the teacher, the teacher may be  
 8 accompanied by a representative.

9 (d) After the conference between the superintendent **or the**  
 10 **assistant superintendent, as applicable**, and the teacher, the  
 11 superintendent shall make a written recommendation to the governing  
 12 body of the school corporation regarding the cancellation of the  
 13 teacher's contract.

14 (e) If the teacher does not request a conference under subsection (b),  
 15 the principal's preliminary decision is considered final.

16 (f) If a probationary, professional, or established teacher files a  
 17 request with the governing body for an additional private conference  
 18 not later than five (5) days after the initial private conference with the  
 19 superintendent, the teacher is entitled to an additional private  
 20 conference with the governing body before the governing body makes  
 21 a final decision. The final decision must be in writing and must be  
 22 made not more than thirty (30) days after the governing body receives  
 23 the teacher's request for the additional private conference. At the  
 24 private conference the governing body shall do the following:

25 (1) Allow the teacher to present evidence to refute the reason or  
 26 reasons for contract cancellation and supporting evidence  
 27 provided by the school corporation. Any evidence presented at the  
 28 private conference must have been exchanged by the parties at  
 29 least seven (7) days before the private conference.

30 (2) Consider whether a preponderance of the evidence supports  
 31 the cancellation of the teacher's contract.

32 SECTION 5. IC 20-28-7.5-8, AS AMENDED BY P.L.233-2015,  
 33 SECTION 211, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section does not apply  
 35 to an individual who works at a conversion charter school (as defined  
 36 in IC 20-24-1-5) for purposes of the individual's employment with the  
 37 school corporation that sponsored the conversion charter school.

38 (b) A contract between a school corporation and a teacher is void if  
 39 the teacher, at the time of signing the contract, is bound by a previous  
 40 contract to teach in a public school and the contract is entered into **at**  
 41 **any time during the school year or** less than fourteen (14) days  
 42 before the day on which the teacher must report for work at that school.



1       However, another contract may be signed by the teacher that will be  
2       effective if the teacher:  
3             (1) furnishes the principal a release by the first employer; or  
4             (2) shows proof that thirty (30) days written notice was delivered  
5             by the teacher to the first employer.  
6       (c) A principal may request from a teacher, at the time of  
7       contracting, a written statement as to whether the teacher has signed  
8       another teaching contract. However, the teacher's failure to provide the  
9       statement is not a cause for subsequently voiding the contract.  
10       SECTION 6. **An emergency is declared for this act.**





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 36 through 39, begin a new line double block indented and insert:

**"(B) may use student growth as its exclusive means to determine its category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years."**

Page 3, delete lines 41 through 42, begin a new line double block indented and insert:

**"(B) may use student growth as its exclusive means to determine its category or designation of school improvement under 511 IAC 6.2-10-10 for a period of three (3) years."**

Page 4, delete lines 1 through 2.

Page 5, line 2, delete ":".

Page 5, delete line 3.

Page 5, line 4, delete "(13,000) students,".

Page 5, line 4, delete "; or" and insert **"or the assistant superintendent."**

Page 5, delete lines 5 through 7.

Page 5, run in lines 2 through 8.

and when so amended that said bill do pass.

(Reference is to HB 1394 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

